

# ANALYZING BOARD SIZE AND COMPOSITION IN THE INDIAN SPORT CONTEXT

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## 1. INTRODUCTION

*‘Sports governance is an act of maneuvering, facilitating, and mobilizing the pool of talents, resources, approaches....it presupposes the interplay of policy-makers and policy-implementers of the sporting world for determination of the achievement of excellence in sports not just on an individual or local basis but also on a collective and national level’.*<sup>3</sup>

The website of the Indian Ministry of Youth Affairs and Sports opens to a section which is titled - ‘Proud moments of Indian Sports’<sup>4</sup> which lists out the most recent accolades achieved by individuals or teams representing the country. In this extremely competitive day and age, all nations desire sporting glory for a range of reasons. The tag of “sporting excellence”, whether achieved through the performance of an Olympic contingent or by a professional in a private sport league, is almost always accompanied by a considerable surge in sentiments of nationalistic pride for the masses, as well as an opportunity for chest thumping and credit grabbing by politicians. The legacy of being the home of a ‘champion’ is an enviable title that most modern-day nations desire. The importance of this title and exhibition of ‘perceived superiority’ also seems to become more magnified when it comes to a developing nation with a colonial past and complicated contemporary international relations, such as India. The status of sport is then alleviated to that of a factor that contributes to the very sense of being independent and justified in belonging within the international community.

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<sup>3</sup> Dennis V. Blanco, *Sports Governance: Issues, Challenges and Perspectives*, 17 ASIA- PACIFIC SOCIAL SCIENCE REVIEW 105 (2017).

<sup>4</sup> Government of India, *Home: Ministry of youth affairs and sports: GOI*, MINISTRY OF YOUTH AFFAIRS AND SPORTS (2008), <https://yas.nic.in/> (last visited Jan 31, 2022).

In 2011, the Indian Government introduced the National Sports Development Code of India (the “Code”), which was supposed to ensure the “adoption of good governance practices by the national sporting federations, including the Indian Olympic Association, which is essential healthy sports development in the country”.<sup>5</sup> The Code, very simply put, is an amalgamation of all orders, circulars and governmental directives that have been issued since 2001 to deal with all issues related to sports in the country and was notified in 2011 by the Ministry of Youth Affairs and Sports.<sup>6</sup> While the Code is supposed to be a comprehensive document designed to promote good governance practices in sports and aims at increasing professional accountability within the sports federations of the country,<sup>7</sup> it lacks the force of being a legislative enactment and instances of blatant non-compliance with the provisions and guidelines of the code remain rampant.<sup>8</sup> Since the Code’s notification, there have been numerous Public Interest Litigations (PILs) filed against NSFs and the Ministry for non-compliance of the Code’s directives as well as the governmental inaction against the flouting of the rules by the NSFs. The vast majority of these PILs have been filed by sports activist and senior lawyer Rahul Mehra, the most recent one of which resulted in the Delhi High Court passing an order which made it mandatory for sport federations to comply with the provisions of the Code in order to be eligible for recognition by (and to receive public funding from) the appropriate authorities, including the central government.<sup>9</sup>

Over the past few decades, the Government of India has consistently allocated considerable funds to its various sporting initiatives, with its 2020-21 budgetary allocation reserving a sizable USD 380 million for sports development.<sup>10</sup> Along with this financial support, the introduction of policy initiatives such as the Khelo India Games and the enactment of the

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<sup>5</sup> Government of India [GOI], *National Sports Development Code of India, 2011* MINISTRY OF YOUTH AFFAIRS AND SPORTS, <https://yas.nic.in/sites/default/files/File918.compressed.pdf> (last visited Feb 4, 2022).

<sup>6</sup> *Id.*

<sup>7</sup> Joshua McLeod, David Shilbury & Géraldine Zeimers, *An institutional framework for governance convergence in sport: The case of India*, 35 JOURNAL OF SPORT MANAGEMENT 144 (2021).

<sup>8</sup> Joshua McLeod & Shaun Star, *In pursuit of Good Governance – Analysing the main points of conflict in India’s draft Sports Code*, LAWINSPO (Jul. 1, 2020), <https://www.lawinsport.com/topics/item/in-pursuit-of-good-governance-analysing-the-main-points-of-conflict-in-india-s-draft-sports-code>.

<sup>9</sup> Outlook Web Desk, *Indian Sports Federations Not Complying With Sports Code Can’t Be Granted Recognition: Delhi High Court* OUTLOOKINDIA (Jan. 8, 2021, 5:24 PM), <https://www.outlookindia.com/website/story/sports-news-indian-sports-federations-not-complying-with-sports-code-cant-be-granted-recognition-delhi-high-court/369879>.

<sup>10</sup> Ranajit Bhattacharyya et al., *The gaps in India’s Sports Administration and Governance* THE WIRE (Jun. 28, 2021), <https://thewire.in/sport/gaps-india-sports-administration-governance>.

comprehensive National Sports Development Code in 2011, seem to tick the boxes for the establishment of an increasingly impressive sporting regime within the nation. However, despite all these changes, the performance of most Indian teams at the international level remains below expectations.

As per the data collected as a part of this study, in 2021 India had more than 50 recognised NSFs which regulated all the Olympic as well as indigenous sports.

The National Sports Development Code, 2011 makes it clear that the NSFs constituted and recognized by the relevant authorities shall be “fully responsible and accountable for the overall management, direction, control, regulation, promotion, development and sponsorship of the discipline for which they are recognized by the concerned International Federation”.<sup>11</sup>

The Code also specifies the basic sets of responsibilities and standards that each NSF would have to demonstrate compliance in order to be recognized by the relevant authorities and continue to get government funding and sponsorship that may have been granted to them. These responsibilities include following “democratic and healthy management practices which provide for greater accountability and transparency at all levels”.<sup>12</sup>

The Code gives the unqualified power to de-recognize federations to the Ministry of Youth Affairs and Sports. While it provides a detailed list of the procedures and consequences of such derecognition, the basis on which such action can be taken by the ministry remain shrouded in ambiguity. Additionally, it should be noted that the Ministry of Youth Affairs and Sports operates as a political office, more than a bureaucratically established government agency. The danger of the possible political influence that such a system encourages can dramatically compromise the capacity of these federations to function in an autonomous and democratic manner,<sup>13</sup> thereby creating impediments for the NSFs to comply with one of the conditions that

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<sup>11</sup> GOI, *supra* note 5 at 10.

<sup>12</sup> *Id* at 13, 9.3(i).

<sup>13</sup> Marko Begović et al., *The impact of political pressures on sport and athletes in Montenegro*, 24 SPORT IN SOCIETY 1200 (2020).

the Code itself mandates. The Code also very clearly specifies that each NSF must hold elections as per the procedures laid down.

Apart from the 2011 Code, there has also been significant controversy around the 2017 Draft for National Code for Good Governance in Sport (2017 NCGGS). This document which was supposed to provide a more elaborate framework for governance and rectify many of the issues that are present in the 2011 Code. However, the implementation of this document has been aggressively challenged by the various NSFs, including the Indian Olympic Committee.<sup>14</sup> This has resulted in a stalemate being created and no resolution in sight. While the implementation of the 2017 NCGGS, even in the most optimistic view, is possible only in the distant future given the severity of conflicts and the contradictory interests of the various stakeholders, the 2011 Code with all its imperfections, remains the only document which can govern the NSFs in India.

The primary aim of this article is to investigate the composition and structure of the Indian national sporting federations and to identify some of the recurring features of these boards which might explain, in part, why despite all these regulatory actions and the existence of a sports culture, the governance of sport remains inefficient in India which has led to sub-standard sporting performance in international tournaments.

## 2. METHODOLOGY

This paper is based on the data collected from online secondary sources on the National Sports Federations (NSFs) in India. The focus of the data collection was to collect details on the various boards, including their size, gender diversity and occupational diversity, which are theorized to influence board performance. This paper uses the work done by McLeod, Star and Shilbury (2021) as a primary text and builds on their observation with a specific focus on the Indian Federations. The results presented in this paper are based on the statistics revealed by this data and on an analysis of the National Sports Development Code, 2011 of India.

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<sup>14</sup> McLeod & Star, *supra* note 8.

### 3. RESULTS AND DISCUSSION

#### 3.1. GENDER DIVERSITY

During the Tokyo Olympics, India sent one of their largest female contingents ever to compete in a Summer Olympic Games. It is also worth noting that in the Rio Olympics, India had won only two medals both of which were awarded to female athletes. Even apart from the Olympic Games, India has a number of female champions from various sports, including Saina Nehwal (Badminton), P. V. Sindhu (Badminton), Mary Kom (Boxing), and Sania Mirza (Tennis). Thus, there is a growing representation of female athletes in Indian sport. However, the same representation cannot be seen in the governance and management structures of the NSFs. The lack of gender diversity within Indian NSFs is one of the most apparent features of the data.<sup>15</sup>

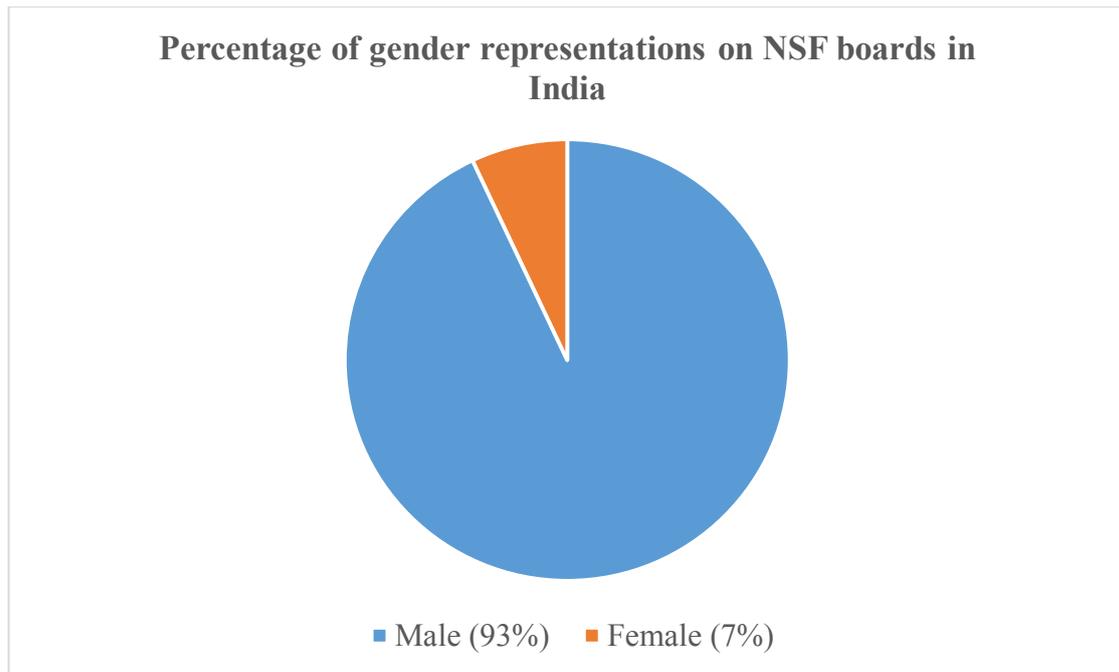
Out of a total of 793 members across all active federations and boards functioning across the country only 7% were found to be women, as is illustrated in Figure 1. Furthermore, there were several boards which had only one female representative or none at all. These boards were Boxing (0), Golf (1), Polo (0), Judo (0), Weightlifting (0), Billiards and Snooker (1). It is also interesting to note that two of the most illustrious champions from the sport of Boxing in India have been females – Mary Kom the 7 times world champion and Olympic Gold medalist,<sup>16</sup> as well as the silver medalist from the Tokyo Olympics, Mirabai Chanu.<sup>17</sup>

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<sup>15</sup> Joshua McLeod, Shaun Star & David Shilbury, *Board composition in national sport federations: a cross-country comparative analysis of diversity and board size*, MANAGING SPORT AND LEISURE (2021). DOI: 10.1080/23750472.2021.197061411-12-2023 17:23:00

<sup>16</sup> Naveen Peter, *MC Mary Kom: A magnificent career defined by consistent success at the highest level* OLYMPICS.COM (Jul. 29 2021, 16:27), <https://olympics.com/en/featured-news/indian-boxer-mary-kom-awards-achievements-titles-medals-olympics-world-champion>.

<sup>17</sup> Shyam Vasudevan, *Mirabai Chanu wins India's first medal at Tokyo Olympics* THE HINDU (Jul. 24 2021, 22:38), <https://www.thehindu.com/sport/indias-mirabai-chanu-snatches-silver-at-tokyo-olympics/article35504572.ece>.



**Figure 1: Percentage of gender representations on NSF boards in India**

Despite such a stark difference in gender representations on the boards, the Code has no rules which are targeted to improve gender diversity in the federations. This omission creates a distinction between corporate boards and boards of sporting federations in India, with the former having a legislative requirement to include women on boards, mandated in section 149(1) of The Companies Act, 2013, India. The section holds having at least one-woman director on the Company Board as a necessary requirement. Recent studies have shown how a gender diverse board can encourage more comprehensive decision making and improves the access and utilization of human and financial resources in a sporting body.<sup>18</sup> Thus, one area where the Code could have potentially made a difference is by encouraging gender diversity in the very composition of these bodies. Currently, there are very few NSFs operating in the country that have more than a token representation of women as per the data collected for this study. The need is to overhaul the hyper-masculinized image that sport has traditionally occupied in the country and to introduce measures aimed at making gender equality an organizational value for these federations. One starting point, with proven efficacy in this

<sup>18</sup> Siri Terjesen, Ruth Sealy & Val Singh, *Women directors on corporate boards: A review and research agenda*, 17 CORPORATE GOVERNANCE: AN INTERNATIONAL REVIEW 320 (2009).

direction, can be the initiation of a gender quota,<sup>19</sup> which several nations have adopted (including the UK<sup>20</sup> and Australia<sup>21</sup>), and which has also been introduced in the corporate boards in India.<sup>22</sup>

### 3.2. BOARD SIZE

Board size amongst Indian NSFs vary significantly. In the 50 recognized organizations that were studied as a part of this project, there were a total of 798 board members. Data suggests that one of the largest NSF boards in India is the Indian Boxing Federation with 47 board members, while the smallest recognized boards, are the Muaythai India, with one member and the Luge Federation of India with two members (although this very small size may be a result of insufficient data available on these organizations from publicly available websites, and so caution is required in interpreting these results).

Interestingly, the National Sports Development Code, 2011 does mention a model board structure in Annexure XXXVII which sets out the guidelines which have to be followed by all the Sporting Federations while conducting their internal elections for the boards. The most consequential by-rule in Annexure XXXVII is point 7 which specifies that the total number of board members and executive members should not exceed 13 members, however, a detailed reading of Annexure XXXVII,<sup>23</sup> shows that while there are model rules laid down there is scope for each federation to reject the recommendations and continue to follow its own rules when it comes to the governing body elections in the form of the accompanying “Note”.

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<sup>19</sup> Johanna Adriaanse & Toni Schofield, *The impact of gender quotas on gender equality in sport governance*, 28 JOURNAL OF SPORT MANAGEMENT 485 (2014).

<sup>20</sup> Women in Sport, *BEYOND 30% Female leadership in sport* WOMEN IN SPORT (2017), <https://www.womeninsport.org/wp-content/uploads/2017/10/Women-in-Sport-Beyond-3025-1-1.pdf?x99836> (last visited Feb 1, 2022).

<sup>21</sup> Australian Sports Commission, *MANDATORY SPORT GOVERNANCE PRINCIPLES* (2015) <https://www.icsspe.org/system/files/Australian%20Sports%20Commission%20-%20Mandatory%20Sports%20Governance%20Principles.pdf> (last visited Feb 4, 2022)

<sup>22</sup> Ruth V. Aguilera, Venkat Kuppaswamy & Rahul Anand, *What Happened When India Mandated Gender Diversity on Boards* HARVARD BUSINESS REVIEW (Feb. 05, 2021), <https://hbr.org/2021/02/what-happened-when-india-mandated-gender-diversity-on-boards>.

<sup>23</sup> GOI, *supra* note 5 at 169.

This additional note to the rule specifies that the members of the managing committee can be changed according to the constitution of federation. This note allows the Indian NSFs to continue to function in a haphazard manner with extremely large boards and no semblance of uniformity in the management structures amongst the various federations recognized by the Ministry. What is also more significant to note is that board sizes in India seem to have no positive correlation to the total number of athletes or the overall size of the federation. Rather, they appear to be based on arbitrary and ambiguous factors.

If the Ministry recommendation is that each board could function with 13 members, it is reasonable to assume that extremely large board compositions or such single member boards would only limit and compromise the effectiveness of these bodies. Numerous studies show that an effective board size can have a significant impact on the success of the federation.<sup>24</sup> Numerous academic projects and reviews have pointed out that a medium sized board, with 8-13 members, is notably more effective than a very large or very small board, both of which can be detrimental to the overall performance and the effectiveness of working ethics for a not-for-profit organization,<sup>25</sup> such as a NSF.

### 3.3. BOARD COMPOSITION

The professional background, experience, and training of the members of a sports board is one of the most contentious topics when it comes to board composition. The constant struggle between choosing someone with a sporting background who understands the needs of athletes within that sport versus appointing someone who has the professional skills and business acumen to manage an organization, even if such a person does not have a sports related background, is a balancing act that affects all modern-day sports organizations.

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<sup>24</sup> Lesley Ferkins, David Shilbury & Gael McDonald, *The role of the board in building strategic capability: Towards an integrated model of Sport Governance Research*, 8 *SPORT MANAGEMENT REVIEW* 195 (2005).

<sup>25</sup> N Vaidya, Purushottam, *Board Size and Firm Performance: A Study on BSE 100 Companies*, 6 *JOURNAL OF MANAGEMENT* 117 (2019).

Occupation	Total Percentage	Number of Members
Academic	2.97%	10
Accountant	0.30%	1
Bureaucrat/Public Administrator	2.67%	9
Business	18.10%	61
Elected Politician	16.62%	56
Engineer	0.89%	3
Journalist	0.30%	1
Lawyer	1.19%	4
Marketing	0.00%	0
Medical Professional	3.26%	11
Military	10.39%	35
Sports/Athlete/Coach	43.32%	146

**Table 1: Percentage of each occupation on NSF boards in India**

Table 1, above, summarizes the data from the present study regarding the members of the Indian NSFs. While there are a total of 793 members of various federations, information about the occupational background was available only for 373 of these members (42.66% of the total sample). Even for the members whose information was available, there is a significant difference between the number of female board members whose professional profiles are publicly available and the male members whose occupational credentials are publicly recorded. The table above clearly shows that the category of ‘Sports/Athlete/Coach’ is the dominant occupational background for most of the board members and holds nearly 43.32% of the share, which is significantly more than the rest of the occupations. It is also very interesting to note that the Code very clearly specifies that each NSF must hold elections as per the procedures laid down and it is compulsory for the NSFs to include sports personnel (25%) with voting rights in the management of each federation.<sup>26</sup> Thus, this statistic read with the Code shows a

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<sup>26</sup> GOI, *supra* note 5 at 171.

clear policy objective of focusing on boards that have adequate participation from those individuals who have actively been engaged in the sport.

Another large occupational group based on the data is elected politicians at 16.62% of all NSF board members. Apart from politicians, another occupation which symbolizes a strong state presence is the Military officials who occupy a significant proportion of positions in various federations (35 members, comprising 10.39% in total). It is important to note that while 10.39% of all board members are Military Officials, they are not a regular feature of every sporting board. Almost all board members with a defense forces background are engaged in sports where traditionally the armed forces of the country have performed exceptionally well, such as the Equestrian Board and the Yachting Association.<sup>27</sup> Thus, it is highly likely that the presence of a considerable number of board members with an armed forces background might just be representative of their individual involvement in that particular sport and not a representation of the defense forces per se.

The number of elected politicians<sup>28</sup> on NSF boards is unusually high compared to international standards. As discussed in McLeod and Star's "In Pursuit of Good Governance - Analyzing the Main Points of Conflict in India's Draft Sports Code", politicians are extremely omnipresent in Sports. A 2018 report by The Bridge found 47% of the Olympic National Sports Federations in India to have a politician holding the position of President.<sup>29</sup>

Given the well documented history of corruption and nepotism in Indian NSFs, the presence of political leaders in the board structures not only raises concerns about the autonomy of the NSFs and the danger of political influence interfering with the development of an independent structure of sports management,<sup>30</sup> but also raises very serious concerns about the suitability of a number of board members, who have connections with various public figures, including

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<sup>27</sup> *Army sports: India* ARMY SPORTS | INDIA, <https://www.armysportsinstitute.com/> (last visited Jan 31, 2022).

<sup>28</sup> *Indian Sports Suffers From Corruption And Nepotism, Needs Overarching Regulatory Body: RM Lodha*, OUTLOOK INDIA, <https://www.outlookindia.com/website/people/rm-lodha/11915> (last visited Jan 31, 2022).

<sup>29</sup> *The Bridge, 47% Presidents in Indian Sports Federations are Politicians'*, THE BRIDGE (Mar. 26, 2018, 11:59 AM) <https://thebridge.in/law-in-sports/indian-politicians-presidents/>.

<sup>30</sup> Blanco, *supra* note 3.

numerous members of the Indian Parliament.<sup>31</sup> This is the reason the NCGGS, 2017 recommends banning politicians from serving as board members of NSFs.

All the other skilled occupations are represented in a limited manner in the compositions of the NSF boards. The Accounting, Business and Legal occupations hold 0.3%, 18.1% and 1.19% respectively, making a combined total of merely 19.59% of the NSFs Boards. The statistics appear to indicate a conscious policy-initiated focus on ensuring the appointment and participation of individuals with a background of active participation in sports or government. Moreover, the clear drawback of this lack of professionalization of NSFs is the lost opportunity to create a body with sufficient skill-set diversity and business acumen.

#### 4. CONCLUSION

This paper attempts to analyze the governance trends and patterns of functioning that emerge from a detailed study of data on board composition in Indian NSFs. It is interesting to note that a superficial reading of the data in isolation can make the emerging trends look unintentional and haphazard, however if these statistics are read with reference to the socio-cultural realities of the sporting regime in India and the relevant legislative framework one can see a pattern of governance appear, which is often a consequence of the intentional policy decisions undertaken by the relevant authorities.

The NSFs must actively work towards improving the overall diversity of NSF boards, especially when it comes to gender representation, which is inadequate in the present system. The Madras High Court of India recently passed a judgement in *S Nithya v. The Secretary to the Union of India the Ministry of Youth Affairs and Sports*<sup>32</sup> that only sports persons can become office bearers in sports associations.<sup>33</sup> This augments the exact lack of diversity that India witnesses on its current boards. This paper has discussed in depth the significance of a diverse group of people, in gender and occupation, constituting the boards of the NSFs. Indian

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<sup>31</sup> “Recent research suggests that in India sport governance practices are shaped by cultural norms relating to nepotism and the need to show respect to the leaders of different factions.”

<sup>32</sup> *S Nithya v. The Secretary to the Union of India the Ministry of Youth Affairs and Sports*, WP No. 3447 of 2019.

<sup>33</sup> Shagun Suryam, *Madras High Court order only sports persons can be office bearers in Sports Associations*, BAR AND BENCH (Jan. 20, 2022, 10:07 AM), <https://www.barandbench.com/news/madras-high-court-orders-only-sports-persons-can-be-office-bearers-in-sports-associations-mandates-online-registration-for-sports-meets>.

boards must aim to re-evaluate the structures that they have been following and draw up more practically viable board compositions. More detailed research can also be undertaken if the publicly available information is more comprehensive and updated regularly.

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